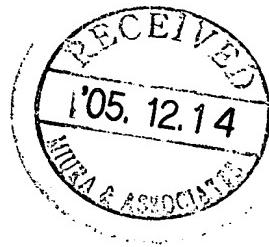


PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)
(PCT Article 36 and Rule 70)



| | | |
|---|---|---|
| Applicant's or agent's file reference PCT-1240 | FOR FURTHER ACTION See Form PCT/IPEA/416 | |
| International application No. PCT/JP2004/010539 | International filing date (<i>day/month/year</i>) 16.07.2004 | Priority date (<i>day/month/year</i>) 29.07.2003 |
| International Patent Classification (IPC) or national classification and IPC Int.Cl. A61B1/00 (2006.01), A61B17/00 (2006.01) | | |
| Applicant PENTAX Corporation | | |

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|---|--|
| 1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet. 3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> a total of <u>8</u> sheets, as follows: <div style="margin-left: 20px;"> <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions). </div> 4. This report contains indications relating to the following items: <div style="margin-left: 20px;"> <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application </div> | |
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| Date of submission of the demand 13.10.2004 | Date of completion of this report 08.11.2005 |
| Name and mailing address of the IPEA/JP Japan Patent Office 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan | Authorized officer <div style="display: flex; align-items: center;"> <div style="flex-grow: 1; margin-right: 10px;"> Akio Yasuda </div> <div style="border: 1px solid black; padding: 2px 10px; background-color: white; display: flex; align-items: center;"> 2Q 9309 </div> </div> Telephone No. +81-3-3581-1101 Ext. 3290 |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/010539

Box No. I Basis of the report

1. With regard to the **language**, this report is based on:
 - the international application in the language in which it was filed
 - a translation of the international application into _____, which is the language of a translation furnished for the purposes of:
 - international search (Rules 12.3(a) and 23.1(b))
 - publication of the international application (Rule 12.4(a))
 - international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
 - the international application as originally filed/furnished
 - the description:

pages 1-50 _____ as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____
 - the claims:

Nos. _____ as originally filed/furnished

Nos.* 1-30 _____ as amended (together with any statement) under Article 19

Nos.* _____ received by this Authority on _____

Nos.* _____ received by this Authority on _____
 - the drawings:

sheets/figs 1/19-19/19 _____ as originally filed/furnished

sheets/figs * _____ received by this Authority on _____

sheets/figs * _____ received by this Authority on _____
 - a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:
 - the description, pages _____
 - the claims, Nos. _____
 - the drawings, sheets/figs _____
 - the sequence listing (*specify*): _____
 - any table(s) related to sequence listing (*specify*): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - the description, pages _____
 - the claims, Nos. _____
 - the drawings, sheets/figs _____
 - the sequence listing (*specify*): _____
 - any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/010539

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|---|-----|
| Novelty (N) | Claims <u>5-9, 12, 14-22, 25, 27-30</u> | YES |
| | Claims <u>1-4, 10, 11, 13, 23, 24, 26</u> | NO |
| Inventive step (IS) | Claims <u>12, 25</u> | YES |
| | Claims <u>1-11, 13-24, 26-30</u> | NO |
| Industrial applicability (IA) | Claims <u>1-30</u> | YES |
| | Claims _____ | NO |

2. Citations and explanations(Rule 70.7)

- D1:JP 2001-299684 A (CREATE MEDIC CO., LTD) 2001.10.30 (Family:none)
 D2:JP 9-19403 A (TOSHIBA CO., LTD) 1997.01.21 (Family:none)
 D3:JP 2001-277177 A (Technology Research Association of Medical and Welfare Apparatus) 2001.10.09 (Family:none)
 D4:JP 9-108179 A (ASAHI OPTICAL CO., LTD) 1997.04.28 (Family:none)
 D5:JP 8-106052 A (ASAHI OPTICAL CO., LTD) 1996.04.23 (Family:none)
 D6:JP 2001-299940 A (TOKYO IKEN CO., LTD) 2001.10.30 (Family:none)

Claims 1-4, 10, 11, 13, 23, 24 and 26

An internal treatment apparatus for a patient having a flexible tubular body to be introduced into a patient; said flexible tubular body comprising; a center opening for inserting therethrough an endoscope for observing a target site, said center opening being circular in cross section and disposed at a center of an end face of said flexible tubular body; and a plurality of circumferential apertures through which surgical instruments are inserted for performing a surgical procedure on said target site, said plurality of circumferential apertures being provided in said flexible tubular body at equi-angular intervals around said center opening; is disclosed in D1. Therefore, the subject matter of claims 1-4, 10, 11, 13, 23, 24 and 26 does not appear to be novel with respect to D1.

Claims 5, 18

An internal treatment apparatus for a patient having a tubular body to be introduced into a patient, said tubular body comprising; an opening for inserting therethrough an stereoscopic endoscope for observing a target site, said opening being circular in cross section and disposed at a center of an end face of said tubular body; and a plurality of apertures through which surgical instruments are inserted for performing a surgical procedure on said target site, said plurality of apertures being provided in said tubular body around said opening; is disclosed in D2 and D3. Therefore, the subject matter of claims 5 and 18 does not appear to involve an inventive step in view of the D1-D3.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITYInternational application No.
PCT/JP2004/010539**Supplemental Box**

In case **the space in any of the preceding boxes is not sufficient.**

Continuation of: V.2.

Claims 6,7,19 and 20

A surgical instrument comprising; a monitor device allowing an operator to observe a vicinity of a distal end of said surgical instrument; an illumination device which allows an operator to illuminate a vicinity of said distal end of said surgical instrument with light; is disclosed in D4. Therefore, the subject matter of claims 6,7,19 and 20 does not appear to involve an inventive step in view of the D1-D4.

Claims 8,21

A surgical instrument comprising; a monitor device allowing an operator to observe a vicinity of a distal end of said surgical instrument; an air feed device and a water feed device which allow an operator to clean a distal end of monitor device is disclosed in D3 and D5. Therefore, the subject matter of claims 8 and 21 does not appear to involve an inventive step in view of the D1-D5.

Claims 9,22

An internal treatment apparatus further comprising an image displaying device for displaying an image formed by said endoscope is also disclosed in D2. Therefore, the subject matter of claims 9 and 22 does not appear to involve an inventive step in view of the D1 and D2.

Claims 12, 25

None of the prior art documents cited in the international search report describes the internal treatment apparatus for patient having a tubular body to be introduced into a patient, said tubular body comprising; a center opening for inserting therethrough an endoscope for observing a target site, said center opening being disposed at a center of an end face of said tubular body; and a plurality of apertures through which surgical instruments are inserted for performing a surgical procedure on said target site, said plurality of circumferential apertures being provided in said tubular body around said center opening; grooves provided between each adjacent said apertures.

Claims 14-17 and 27-30

A surgical instrument comprising; an illumination device which emits colored light; is disclosed in D6. Therefore, the subject matter of claims 14-17 and 27-30 does not appear to involve an inventive step in view of the D1-D6.